

Message Text

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PAGE 01 VIENNA 00659 251520Z

ACTION IO-14

INFO OCT-02 ARA-10 EUR-12 ISO-00 DOEE-00 NSCE-00
INRE-00 ACDA-12 CIAE-00 INR-07 L-03 NSAE-00 EB-08
NRC-05 OES-07 SOE-02 DODE-00 SS-15 SP-02 SSO-00
/098 W

-----005023 251537Z /43

O 251510Z JAN 78

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC IMMEDIATE 4864

INFO USDOEHQ WASHDC IMMEDIATE

USDOEHQ GERMANTOWN IMMEDIATE

AMEMBASSY BELGRADE PRIORITY

AMEMBASSY MEXICO PRIORITY

C O N F I D E N T I A L VIENNA 00659

USIAEA

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: IAEA, TECH, MNUC, ENRG, US

SUBJECT: AMENDMENT TO US/IAEA AGREEMENT FOR COOPERATION

REF: A) STATE 18111, B) VIENNA 544

1. MISSION APPRECIATES QUICK RESPONSE AND KIND WORDS
REFTEL A.

2. CHANGES PER PARA 2 REFTEL A CONVEYED TO DIRECTOR
GENERAL BY LETTER WHICH ALSO REQUESTS DISTRIBUTION OF
TEXT REVISED PER THOSE CHANGES FOR CONSIDERATION FEBRUARY
21 BOARD.

3. PRELIMINARY REACTION BY FISCHER TO CHANGES, WHEN
TELEPHONED TO HIM, WAS THAT ONLY REVISION TO AMENDMENT TO
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ART IV OF AGREEMENT WILL POSE SUBSTANTIAL PROBLEM FOR
SECRETARIAT. IN DISCUSSION WHICH LED TO TEXT TRANSMITTED
REFTEL B, FISCHER AND EDWARDS (DIRECTOR LEGAL DIVISION)
WERE ADAMANTLY OPPOSED TO ANY FORMULATION WHICH IMPLIED
AGENCY ENDORSEMENT OF OR CONCURRENCE IN U.S. CRITERIA.
ADDING OF PHRASE MAKING ANNEX AND APPENDIX INTEGRAL
PART OF AGREEMENT WAS EMPHATICALLY REJECTED, EVEN THOUGH

EDWARDS HAD EARLIER SUGGESTED THAT REFERENCE TO "IN ACCORDANCE WITH THE AGREEMENT" IN FINAL PARA ARTICLE V WOULD INCLUDE ANNEX AS WELL. KEY TO ACCEPTANCE BY SECRETARIAT TEAM OF TEXT TRANSMITTED REFTEL B WAS CLEAR DISTINCTION BETWEEN AGREEMENT PROPER AND ANNEX, WHEREBY LATTER WAS TO CONTAIN THOSE CONDITIONS FOR WHICH SECRETARIAT WAS UNABLE OR UNWILLING FIND BASIS IN STATUTE FOR AGENCY'S AUTHORITY TO LAY DOWN REQUIREMENT. MOREOVER, FISCHER AND EDWARDS SAW PROVISION FOR ABILITY OF U.S. TO MODIFY BOTH ANNEX AND APPENDIX UNILATERALLY AS FORTIFYING IMAGE OF AGENCY AS INNOCENT BYSTANDER TO IMPOSITION OF U.S. REQUIREMENTS ON RECIPIENT STATE.

4. SECRETARIAT ATTITUDE, OBVIOUSLY INFLUENCED BY YUGOSLAVIA AND PERHAPS OTHERS UPON WHOM U.S. IS DEMANDING CONDITIONS SIMILAR TO THOSE IN ANNEX SUCH AS MALAYSIA, PERU AND ARGENTINA, IS UNLIKELY TO CHANGE, EVEN IN FACE OF ARGUMENTS PROVIDED PARA 2 REFTEL A.

5. IN LIGHT OF FOREGOING, MISSION SUGGESTS CONSIDERATION BE GIVEN TO ALTERNATIVE, IN WHICH PHRASE REFERRING TO INTEGRAL PART OF AGREEMENT BE DROPPED AND PERMITTING APPENDIX TO BE MODIFIED BY U.S. UNILATERALLY. IN OTHER WORDS, REVERT TO TEXT TRANSMITTED REFTEL B FOR FIRST ADDED SENTENCE AND DELETE "ANNEX AND THE" FROM SECOND ADDED SENTENCE. MISSION CANNOT ASSURE SECRETARIAT WOULD ACCEPT, CONFIDENTIAL

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SINCE EFFECT WOULD BE ONLY SLIGHTLY OBSCURED, COMPARED TO U.S. PREFERRED WORDING, BUT PERHAPS SUFFICIENTLY FOR SECRETARIAT'S PRESENTATIONAL PURPOSES.

6. PLEASE ADVISE SOONEST RE FOREGOING ALTERNATIVE. MISSION WILL REPORT SECRETARIAT'S CONSIDERED REACTION TO CHANGES ALREADY PROPOSED WHEN KNOWN. STONE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AMENDMENTS, NUCLEAR COOPERATION PROGRAMS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
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Format: TEL
From: VIENNA USIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780122/aaaaasgj.tel
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Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 004d09e0-c288-dd11-92da-001cc4696bcc
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Original Classification: CONFIDENTIAL
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TAGS: TECH, MNUC, ENRG, US, IAEA
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Type: TE
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